



California Regional Water Quality Control Board

Santa Ana Region



Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb8>
3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (909) 782-4130 - FAX (909) 781-6288

Gray Davis
Governor

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov/rwqcb8.

November 6, 2002

Mr. James Good
Gresham, Savage, Nolan & Tilden, LLP
600 North Arrowhead Avenue
Suite 300
Bernardino, CA 92401-1148

REVISION TO DIRECTIVE AND EXTENSION OF DEADLINE TO SUBMIT WORK PLAN FOR PERCHLORATE INVESTIGATION IN THE VICINITY OF PYRO SPECTACULARS BY SOUZA (3196 NORTH LOCUST AVENUE) AND ASTRO PYROTECHNICS (2298 WEST STONEHURST) FACILITIES, CITY OF RIALTO, SAN BERNARDINO COUNTY, CALIFORNIA

Dear Mr. Good:

In my letter of October 7, 2002, I specified the requirements and deadline for submittal of a work plan by Pyro Spectaculars by Souza (hereinafter Pyro Spectaculars) for an investigation for perchlorate in soil and groundwater in the vicinity of the Pyro Spectaculars facility and former storage bunkers in North Rialto. This investigation was required pursuant to Section 13267 of the California Water Code.

Since October 7, 2002, it has come to our attention that the Astro Pyrotechnics facility (formerly Trojan Fireworks), located at 2298 West Stonehurst in North Rialto, is a subsidiary of Pyro Spectaculars. Information that local businesses provided to us in response to subpoenas (see Enclosures) indicates that Pyro Spectaculars (dba Astro Pyrotechnics, formerly Trojan Fireworks Company) has manufactured and stored fireworks products containing perchlorate salts. The evidence further indicates that Pyro Spectaculars (dba Astro Pyrotechnics, formerly Trojan Fireworks Company) has also stored and burned (on site) waste from the manufacture of these fireworks products. Therefore, it is appropriate that the scope of the investigation required to be conducted by Pyro Spectaculars be expanded to address discharges of perchlorate from the facility at 2298 West Stonehurst (in addition to the required investigation in the vicinity of 3196 North Locust Avenue, and the former storage bunker area, North Rialto).

You have requested a 30-day extension of the November 7, 2002 deadline, on behalf of your client (Pyro Spectaculars). It is my understanding that the 30-day extension will provide additional time for you to retain a qualified consultant and complete the work plan. As indicated to you in a November 4th phone call with my Assistant Executive Officer, the extension is approved, with the stipulation that the work plan must be expanded to include a proposal to investigate the soil and groundwater in the vicinity of the Astro Pyrotechnics facility, 2298 West Stonehurst (a subsidiary of Pyro Spectaculars). This work plan must be submitted by December 9, 2002.

California Environmental Protection Agency



Recycled Paper

Failure to submit the required information, as described in our letter of October 7, 2002, by the December 9, 2002 deadline will subject Pyro Spectaculars by Souza to administrative civil liability in the amount of up to \$1,000 per day, pursuant to Section 13268(a) and (b) of the California Water Code.

If you have any questions about this letter, please contact Ann Sturdivant, Chief of our Spills, Leaks, Investigations and Cleanups Section, at (909) 782-4904.

Sincerely,

Gerard J. Thibeault
Executive Officer

Enclosures:

- 1 – Pyro Spectaculars correspondence dated September 1, 1988
- 2 – San Bernardino County Hazardous Waste Generator Inspection Reports for 2298 West Stonehurst, North Rialto
- 3 – Newspaper article describing explosion of pyrotechnic waste at 2298 West Stonehurst, North Rialto
- 4 – Historical records from Trojan Fireworks Company
- 5 – Inland Empire Perchlorate Regulatory Task Force Mailing List

cc w/ enclosures:

James Souza, Pyro Spectaculars by Souza

cc w/out enclosures:

Regional Board
Jorge Leon, Office of Chief Counsel, SWRCB
Inland Empire Perchlorate Regulatory Task Force (see mailing list)

AES/Data/SLIC/Rialto perchlorate 01-02/13267/Pytros Spectaculars wkplan extn

ENCLOSURE 1

Pyro Spectaculars correspondence
September 1, 1988

PYRO-SPECTACULARS

September 1, 1988

Mr. Richard L. Roberts, Director
Emergency Management Program
Department of Environmental Health Services
385 North Arrowhead Avenue
San Bernardino, CA 92415-0160

Dear Mr. Roberts:

As you may, or may not know, Astro Pyrotechnics was recently sold to Pyro Spectaculars. As a result of this change we are submitting a new Business Plan covering the Astro Pyrotechnics division.

In addition, I am also submitting a revised Business Plan for Pyro Spectaculars covering some recent changes in management and site facilities.

If you have any questions, or need additional information, please let me know.

Sincerely,

PYRO-SPECTACULARS, INC.


Dean B. Collister
Vice President - Operations

DBC/md

Enc: Astro Pyrotechnics Business Plan
Pyro Spectaculars Business Plan

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ENCLOSURE 2

San Bernardino County Hazardous Waste Generator
Inspection Reports for 2298 West Stonehurst, North Rialto

FIRE PROTECTION AGENCY AND SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

*GEN FILE
ASTRO PYROTECH.*

APPLICATION AND PERMIT TO BURN

Fire Agency Rialto Fire Department
 Name (Applicant) Astro-Pyrotechnics Tel. No. 714-822-0103
 Address 2298 West Stonehurst Ave City Rialto, California
 Burning Site Location 3196 N Locust Ave.
 Section _____ Township _____ Range _____ Cross Street _____

APPLICATION: I hereby apply for a Permit to Burn the material indicated below pursuant to the South Coast Air Quality Management District, Rule 444.

Name and Type of Material Hazardous Pyrotechnic Waste Materials

Estimated Quantity (Tons) _____ Acreage _____

Fire Hazard XX Firefighting Training N/A Agricultural Burning N/A
N/A N/A

Tumbleweeds (Russian Thistle) _____ Other N/A

I OWN OR LEGALLY CONTROL THE ABOVE-DESCRIBED LAND AND I AGREE TO COMPLY WITH ALL FIRE AND AIR QUALITY MANAGEMENT LAWS, ORDINANCES, REGULATIONS AND TERMS OF THE PERMIT. I CERTIFY THAT I HAVE READ AND UNDERSTAND THE REVERSE SIDE OF THIS APPLICATION.

Signature of Applicant _____ Date _____

Administrative Use:

FIRE AGENCY: Field inspection made by E. Gutierrez Date June 1988

Meets Requirements of Rule 444. Yes ☒ No ☐ Referred to AQMD Date June 23, 1988

Remarks: Copy to L. Stiles Sup. Eng. AQMD

Permit: Applicant is hereby authorized to conduct open burning in accordance with above information, and subject to the following:

1. Permit Duration June 23 ⁸³ 19 through August 1, 1988 ¹⁹

2. Burning to be confined between the hours 7 AM/PM 11 AM/PM

3. Other Requirements Burning Permitted on approved AQMD burn days only, Only declared Pyrotechnic waste materials may be destroyed, inventory all Pyrotechnic Waste

4. Telephone 714-820-2508 Fire Prev. Div. 714-387-6075 Fire Dispatch _____ BEFORE BURNING

5. Emergency Telephone 911

Issuing Agency RIALTO FIRE DEPT

Issued by (Name) Thomas J. Mc Veitty *Thomas J. McVeitty*

Title Fire Marshal Date June 23, 1988

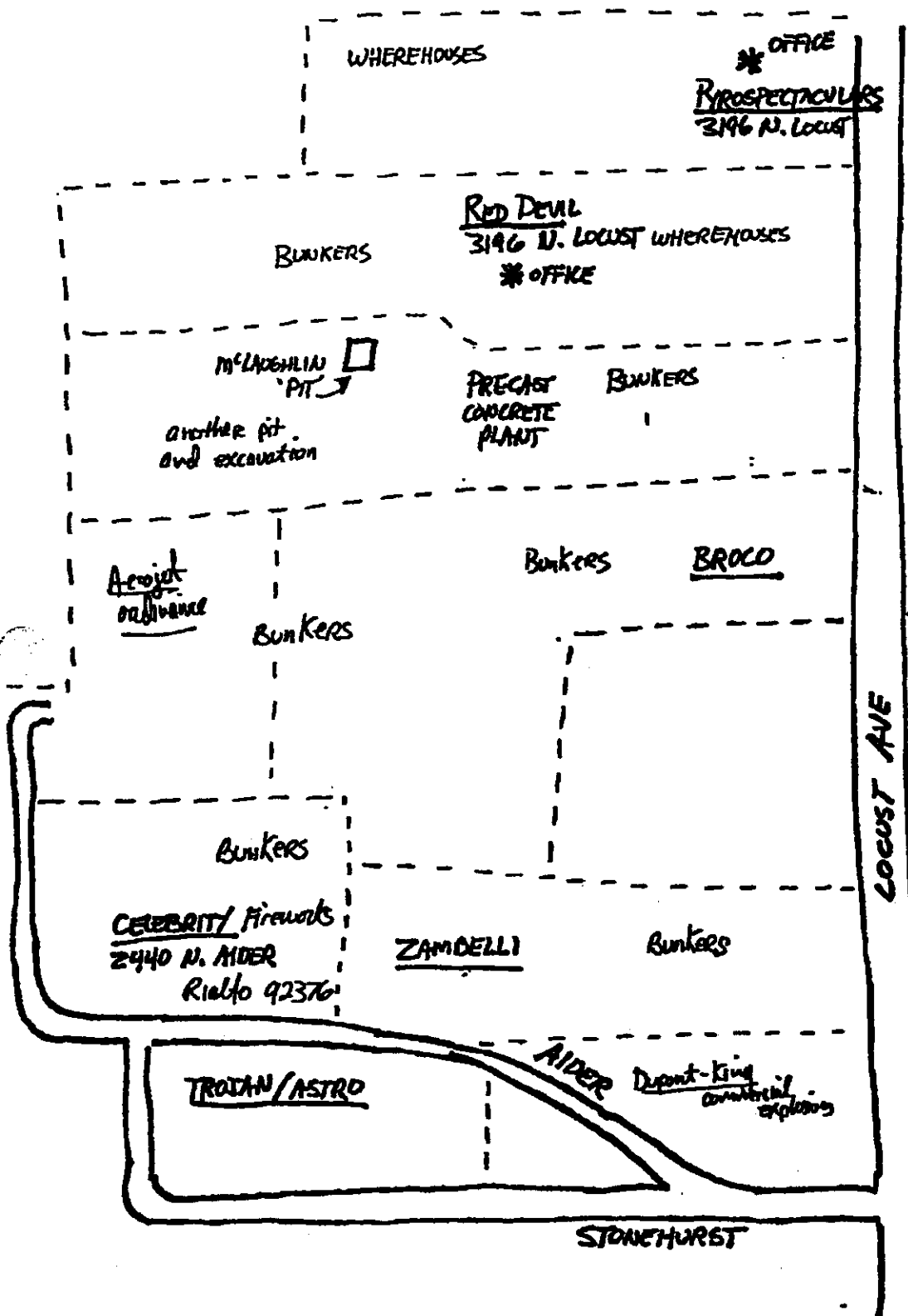
SEE REVERSE SIDE FOR OTHER CONDITIONS AND REQUIREMENTS

DISTRIBUTION: White - Permittee, Canary - Issuing Agency, Pink - SCAQMD

Form No. 588-2-88

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NORTH Rialto

SL-1 Station 8/87

SALICHA

2000-07-00



County of San Bernardino
DEPARTMENT OF ENVIRONMENTAL HEALTH SERVICES
HAZARDOUS WASTE GENERATOR INSPECTION REPORT

Dean Collins - U.P.

Facility Name ASTRO Pyrotechnics Contact Person Leo Autate

Site Address 2298 W. Stoughton Road Phone Number 714, 822-0108

Mailing Address _____ Number Employee 3-19

Others Present Joel Williams EPA Number _____

The following violations have been noted and must be corrected as follows:
Permits are current & posted.

WEIGHING BUILDING INVENTORY: Chemical, Alum powders, soil, weed meal, small containers, well labeled

Chemicals in Trailers: Hexamethyl-entriacetamide, Sodium ethoxide, Sodium benzoate, barium carbonate, peroxide, hexamine, strontium carbonate, cyclohex, potassium nitrate, strontium nitrate, copper pyrite, ammonium perchlorate, soil sulfur, green charcoal, powdered metals,

Oxidizers are kept separate from other chemicals.

Fireworks - 588 & 589 - are kept in warehouse away from chemicals.

Oil & acetone kept in machine shop. Waste oil will be handled by licensed driver.

Business Plan was available.

MATERIALS/WASTE MANAGEMENT	
Blanket Over 90 Days	1
Revised/Revised	2
Drums Labeled	3
Labels Dated	4
Containers Sealed	5
Containers Closed	6
Managed in Proper Labels	7
Intermittent - Mixed	8
Intermittent - Stored	9
Corrosive	10
Perchlorate/Peroxide	11
Not from Property Line	12
Warning Signs	13
Inventory Verified	14
Identified	15
Illegal Disposed	16
Discharged to Ground	17
Contaminated Soil	18
Empty Drums	19
Unlabeled Liquid	20
Class 1 Site	21
Waste Minimization	22
Inventory Records	23
Inventory Available	24
Business Plan/MSDS	25
Permit Generator/Generator	26
Training	27
Emergency Equipment	28
Contract Program	29
Business Plan Knowledge	30
Labeling	31
Monitoring	32
Composting	33
Permit - Transfer	34
Notice of Violation	35
Sanitary Toilet	36
Oil Drums	37
Waste Oil	38
ACRID	39

Additional Comments:

Inspector Abra Teller Received By Leo Autate Date 6/29/00

PRE-ALTERATION/SPECIAL INSPECTION REPORT

PHONE NO.: (709) 721-8353

JOB SITE ADDRESS: 2298 Stonehurst Dr. Rialto CA 92377

PROPERTY OWNER'S NAME: Pyro Spectaculars

OWNER'S MAILING ADDRESS (IF DIFFERENT FROM
JOB SITE ADDRESS): _____

zip
9070

CONTRACTOR: Superior Contractors ADDRESS: 8321 Moon Court

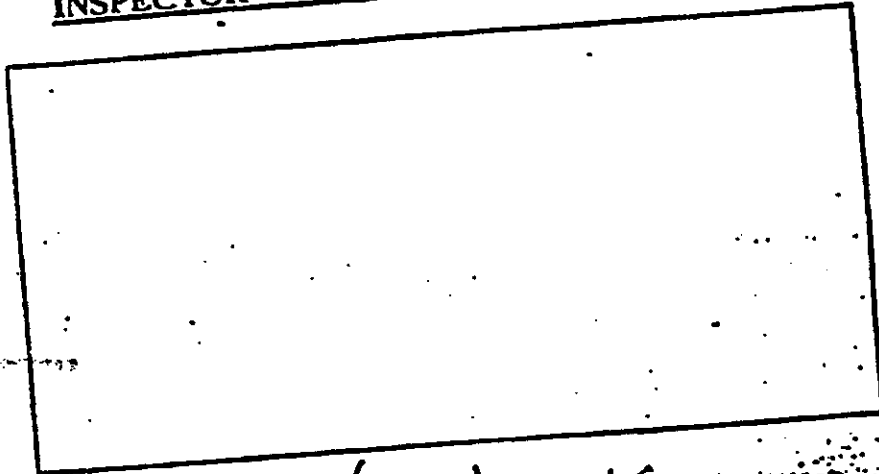
ALTA LOMA CA

STATE LICENSE NO.: 682615

PURPOSE OF INSPECTION: Fire Damage

SIGNATURE: _____

INSPECTOR WILL COMPLETE THIS SECTION



REMARKS: OK to issue

INSPECTED BY: BZ

DATE: 10/5/00

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ENCLOSURE 3

Newspaper article describing explosion of
pyrotechnic waste at 2298 West Stonehurst, North Rialto

Wastes may have caused Rialto blast

By PAMELA FITZSIMMONS
Sun Staff Writer

RIALTO — A fatal explosion July 28 at the Trojan and Astro fireworks plant might have been caused by an accumulation of live wastes that city and fireworks officials know of but said they could do nothing about.

The officials blame the South Coast Air Quality Management District for not allowing the fireworks company to legally burn off the live wastes — debris that can detonate.

A district spokesman said Wednesday the fireworks company and the Rialto Fire Department did not seek permission for a legal burn until after an explosion killed an employee working with the wastes.

The plant manager for Trojan and Astro said the Fire Department did all it could to help his company deal with the "bureaucratic inertia" of the air quality district. But Stuart Carlton added that "(Acting Fire Chief) Tom McVeitty is walking a tight-rope."

One of Carlton's employees, Jose Diaz, 31, of San Bernardino, was killed in the July blast at Trojan and Astro, 2288 W. Stonehurst Ave., while unloading wastes from a van into a bunker. The wastes included chemicals and powder left over from fireworks manufacturing and faulty fireworks that cannot be sold. Carlton said the wastes are put in bags and then stored.

Although no one will ever know for sure, Carlton said it is believed that Diaz may have stepped in some powder on the floor, and the friction detonated the explosion.

"I sort of voiced then that the guy was not going to die in vain, that we were going to get something done," Carlton said.

There was a years' worth of live wastes stored at Trojan and Astro, Chief McVeitty said, and his fire inspectors knew about it.

"We knew where it was
See FIREWORKS/Back page

Fireworks: Live wastes may have caused blast

Continued from A1

stored, and we had some idea as to the quantity," he said. "We didn't ever write it down as a violation, because we knew the position they were in. They couldn't take (the wastes) anywhere or burn them."

McVeitty said his department cannot issue a burning permit unless it is approved by the air quality district. "They weren't allowing any open burning permits, which put Trojan between a rock and a hard place. The only way to dispose of live wastes is burning. ... Hazardous waste dumps won't take it."

The fireworks company could have obtained burning permits before the explosion by asking the Fire Department to invoke a special rule, said district spokeswoman Jacqueline Switzer. The rule allows fire depart-

a hazardous situation exists that cannot be abated any way other than burning.

The permits are then taken to the air quality district, which gives final approval on days burning can take place, depending on factors such as the weather.

Switzer said the district's records show that Trojan did not contact her agency about burning permits until January 1988.

The air quality district approved burning permits for January through April, but the agency relented only because July's fatal explosion proved the need for getting rid of the wastes, McVeitty said.

"I've got burning permits on file here for fireworks and explosives companies that are stamped 'Canceled' by the air quality district," McVeitty said, adding that the latest one is dated April 1987.

partment leaned on the district to approve burning. "I don't think everyone was aware of the seriousness of the problem before the accident," he said.

If Trojan had burned the wastes without the district's approval and if the Fire Department had looked the other way, "very possibly the city would have gotten into trouble, and Trojan would have been subject to fines," McVeitty said.

Carlton doesn't know if the district will allow his plant to burn wastes after the April permit expires, but he noted that his company is allowed to test fireworks.

He predicted that in the future, some live wastes may find their way into the tests.

"That's the way I feel now," he said. "We'll call it testing, and if the air quality district makes

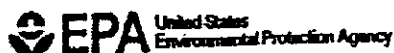
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ENCLOSURE 4

Historical records from Trojan Fireworks Company
2298 West Stonehurst, North Rialto



**ENVIROFACTS REPORT ON
TROJAN FIREWORKS CO
2298 W STONEHURST ST
RIALTO, CA 92376**

[Map this facility](#)

Map this facility using one of Envirofact's mapping utilities.

[EPA Facility Information](#)

This query was executed on JUN-03-2002

RCRAInfo

HANDLER ID: CAD982417677

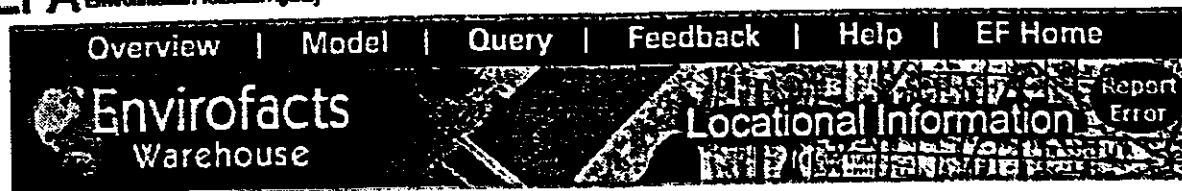
Standard Industrial Classification:

There were no SIC Codes reported to EPA for this facility.

Handler/Facility Classification:

<u>HANDLER TYPE</u>	<u>LAND DISPOSAL</u>	<u>INCINERATOR</u>	<u>BOILER AND/OR INDUSTRIAL FURNACE</u>	<u>STORAGE</u>	<u>TREATMENT</u>
Small Generator					

Additional Information can be obtained from Resource Conservation and Recovery Information System [RCRAINFO](#) Query.

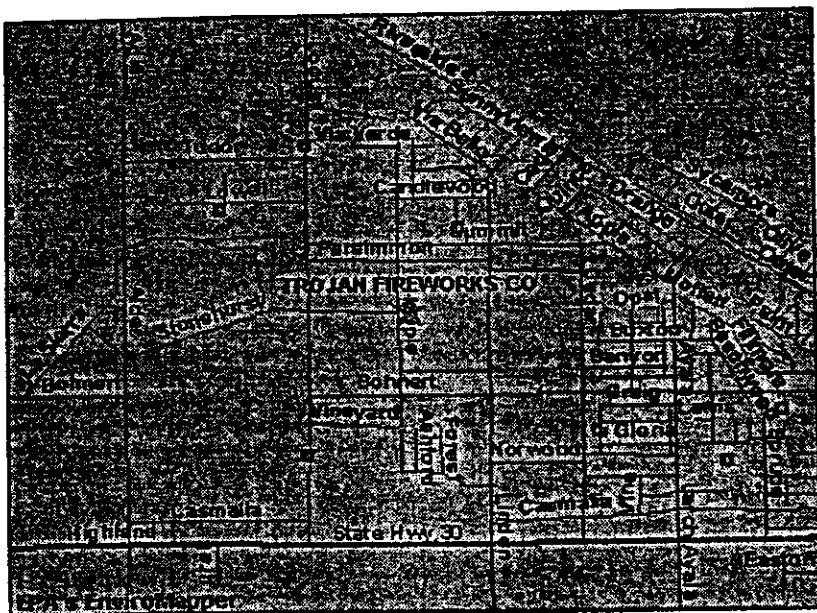


Facility Location Information

TROJAN FIREWORKS CO
2298 W STONEHURST ST
RIALTO CA 92376

EPA Facility ID: CAD982417677

Latitude: 34.147115 Longitude: -117.404824



LEGEND

- ★ Facility location
- Discharges to water
- Superfund sites
- Hazardous waste
- Toxic releases
- Air releases
- Others
- Multiple
- ~ Streets
- Water Bodies
- Counties
- *Color of ★ denotes type of facility.

The latitude and longitude coordinates above come from the Envirofacts Locational Reference Tables (LRT). The method used to derive the Most Accurate Coordinates was ADDRESS MATCHING-HOUSE NUMBER. These coordinates correspond to PLANT ENTRANCE (GENERAL) and represent the best location for the facility. The coordinates were obtained from CONTRACTOR.

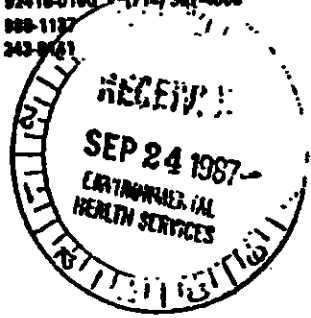
Find out more about how the most accurate available Latitude/Longitude facility coordinate is determined or how the Best Value is assigned.

Query executed on 03-JUN-2002

ENVIRONMENTAL HEALTH SERVICES

- ☐ 385 North Arrowhead Avenue • San Bernardino, CA 92415-0180 • (714) 387-4008
- ☐ 328 East "D" Street • Ontario, CA 91764 • (714) 988-1137
- ☐ 15506 Chyle Drive • Victorville, CA 92382 • (915) 243-9661
- ☐

PLEASE REPLY TO ADDRESS CHECKED



COUNTY OF SAN BERNARDINO
ENVIRONMENTAL
PUBLIC WORKS AGENCY

RICHARD L. ROBERTS, R.S., M.P.H.
Director

- Also serving the cities of:
- | | |
|---------------|----------------|
| Adelanto | Needles |
| Burren | Ontario |
| Big Bear Lake | Panache |
| Chico | Cucamonga |
| Colton | Redlands |
| Fontana | Rialto |
| Grand Terrace | San Bernardino |
| Land Lake | Upland |
| Moretish | Victorville |

August 7, 1987

HAZARDOUS WASTE GENERATOR
NORTH RIALTO SURVEY

Business Name: Trojan Fireworks Co. Contact Person: Stuart Carlton

Site Address: 2296 W. Stonchurst, Rialto, CA. 92376 Phone: 822-0108

Mailing Address: SAME

- 1) List all Hazardous Materials on site include any explosives*
- Explosives (mainly Class C Common fireworks, Class B Special
fireworks, and wastes from the manufacture of these.)
- 2) List all Hazardous Wastes on site include off spec or unusable product*
- As above, production wastes such as floor-sweeping; off-spec product;
returns from displays and July 4 sales; and damaged or faulty import
material which can not be returned.

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- 3) How and where are the hazardous materials and wastes stored?
(Please draw a map of the facility indicating structures and materials/wastes stored in them. Also indicate how stored: boxes, drums, etc... Please indicate any bunkers or pits located on site).
See attached.
- 4) Does your facility manufacture fireworks? Yes X No
- 5) Does your facility store fireworks in bulk? Yes No See attached
- 6) Has your facility had problems disposing of off-spec or unusable fireworks?
Yes X No
If yes, please describe: EPA prohibits burying; SOAQMD prohibits burning; DOT has no classification for hauling. To date we have been allowed only to store it.
- 7) Have you had any past incidents involving your materials/wastes?
Yes X No
If yes, please describe below (list dates and any injuries)
Explosion of live waste storage building on July 28, 1987, in which there was one fatality.
- 8) Have you developed a "business plan" for emergencies and submitted it to our Department or the Fire Department? (Regardless of the answer, if you have one, please attach it) Yes No X See Attached
- 9) List past owners of property, if known:
American Explosives Company during some period prior to 1973 when Mr. Peters of the Trojan Fireworks Co. acquired it.

Please return this for to: DEHS
385 NORTH ARROWHEAD
SAN BERNARDINO, CA 92415
ATTN: STEVE VAN STOCKUM

*Attach an additional sheet if more room is needed

+RETURN TO US NO LATER THAN AUGUST 21, 1987+

Attachment to Hazardous Waste General
North Rialto Survey

- 3) Prior to the explosion of July 26, 1987, live waste was stored in cardboard boxes and drums, and paper bags, in a building surrounded by an earthen embankment on the referenced site. Wastes are presently being stored in Bunker E-1 of the former U.S. Navy bunkers located on the property of the Schulz Trust and leased from the Trust. Cardboard and paper containers continue to be used.
- 5) No finished fireworks are, or have been, stored at the referenced site. "Safe and Sane" Class C Common Fireworks are transported to the company warehouse in Santa Fe Springs upon completion. Class B Special Fireworks manufactured at the site or purchased from outside suppliers are stored in Bunkers B-1, B-2 and E-1, now leased from private owners.
- 8) We have not filed a formal Business Plan, but we have worked closely with the Rialto Fire Department in connection with structures and contents, and the probable violence, if any, of their burning in case of fires.

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TROJAN FIREWORKS CO. • 13553 EXCELSIOR DRIVE • NORWALK, CALIFORNIA 90650

Address mail to P.O. Box 641 • cable address: TROJFIRE • phone (213) 921-1446 • (714) 321-4767

January 9, 1973



City of Rialto
Planning Commission
Mr. Richard E. Downing, Director
150 South Palm Avenue
Rialto, California 92376

Re: APPLICATION FOR CONDITIONAL DEVELOPMENT,
2-1/2 Acres N/E Corner Stonehurst and
Alder Streets, Rialto, California

Gentlemen:

We respectfully submit herewith our application for conditional development of the stated property, now located in the City of Rialto.

It is our intention to re-activate this plant and manufacture only California "safe and sane" commercial fireworks as approved by the State Fire Marshal for retail sale each Fourth of July season. Although this facility was formerly licensed and used by American Explosives Company (ANEX) for production of military pyrotechnics, we do not intend to engage in the production of Class A explosives, but limit it to Class C only.

The plot plan submitted herewith indicates the proposed usage of existing structures. Storage, both existing and proposed, will most likely consist of only such raw materials as paper tubes, paper cones, corrugated shipping containers, adhesives, labels, etc. Chemical storage is scheduled for our facilities immediately to the north in the former government bunkers where we operate our display fireworks division, known as Astro Pyrotechnics. As goods are finished in this facility they will be dispatched to our Norwalk warehouses via our own vehicular equipment, for final assembly and packaging.

Any doubts as to the ability of our company to set-up, maintain and operate such a facility can readily be answered. The petitioner, O. D. Peters, president, has over 27 years experience in this field; our vice-president, Mr. B. W. Wells is probably one of the outstanding pyrotechnicians in the world

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City of Rialto
Planning Commission

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January 9, 1973

(see resume attached), and the plant superintendent, Mr. Gerald Gerth is likewise well-versed in the field, being a graduate chemical engineer from California Institute of Technology.

We look forward to favorable action on our application, and pledge our efforts to making this a production facility that will please the administrators and citizens of Rialto. If further facts or information is needed, please call on us.

Yours very truly,

TROJAN FIREWORKS CO.



O. D. Peters,
President

ODP:dv

Enc.

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